



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 17, 1992

Mr. John C. West, Jr.
Chief, Legal Services
Texas Department of Public Safety
5805 N. Lamar Blvd.-Box 4087
Austin, Texas 78773-0001

OR92-402

Dear Mr. West:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16074.

You sought an open records decision from this office pursuant to section 7(c) of the act. Consequently, this office notified representatives of Polaroid Corporation (Polaroid), PC/SPT-Video Card Systems (PC/SPT), National Identification Systems, Inc. (NIS), and Wang Laboratories, Inc. (Wang) that we received your request for an open records decision regarding their proposals submitted in response to the Texas Department of Public Safety's Request For Information dated January 13, 1992. In our letter to those companies, this office requested an explanation as to why portions of their proposals were excepted from public disclosure, with the caveat that their failure to do so within a reasonable time would result in this office instructing you to disclose the information.

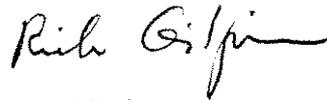
More than 14 days have elapsed since this office issued its notice, but all but Polaroid have failed to provide this office with any explanation as to why their proposals should not be released. Consequently, we have no basis for applying any exceptions to required public disclosure to those companies' proposals. See Open Records Decision No. 552 (1990). Because neither you nor PC/SPT, NIS, and Wang have contended to this office that those companies' proposals should be withheld, you should release those companies' proposals at this time.

A representative of Polaroid contends that portions of its proposal should not be released because

[t]he product and market position if shared with our competitors would do harm to Polaroid Corporation by reducing our ability to compete competitively in the ID market. The products discussed in the RFI prepared at the request of the Texas D.P.S. are for use only for the department and should not be shared with outside parties.

Such generalized assertions of confidentiality are insufficient for establishing that information constitutes trade secrets for purposes of section 3(a)(10) of the Open Records Act. *See* Open Records Decision Nos. 568 (1990); 509 (1988). Accordingly, we find that Polaroid has not met its burden under section 3(a)(10). The department must therefore also release Polaroid's proposal in its entirety. If you have any questions regarding this letter, please refer to OR92-402.

Yours very truly,



Rick Gilpin
Assistant Attorney General
Opinion Committee

RG/RWP/lmm

Ref.: ID# 16074
ID# 16215
ID# 16270
ID# 16467

Enclosures: Submitted documents

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